

ØSSHØÖ  
 GEGHÁUÔVÁGEÆFKÍ ÁUT  
 SØØÅDUWPVÝ  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

HEATHER ENTREKIN, individually and as  
Personal Representative of the ESTATE OF  
FRANCES CARTWRIGHT.

Plaintiff.

No.

## COMPLAINT FOR DAMAGES

LIFE CARE CENTER OF FEDERAL WAY, a Washington Corporation; LIFE CARE CENTERS OF AMERICA, INC., a Tennessee Corporation; "JOHN/JANE DOES," and "XYZ CORPORATIONS."

#### **Defendants.**

Plaintiff, Heather Entrekin, by and through undersigned counsel of record, alleges as follows:

## J. INCORPORATION

1.1 By way of this reference, each paragraph contained herein is incorporated as support for each paragraph which follows

## II. PARTIES

1       2.1 Plaintiff Heather Entrekin is the duly appointed Personal Representative of the  
2 Estate of Frances Cartwright. Frances Cartwright died on January 2, 2021, and was a resident  
3 of King County, Washington. Heather Entrekin is the natural daughter of the decedent, Frances  
4 Cartwright. For all times material hereto, Heather Entrekin was a resident of Pierce County,  
5 Washington.  
6

7       2.2 Defendant Life Care Centers of America, Inc., is a Tennessee professional  
8 service corporation doing business in the State of Washington. For all times material thereto,  
9 Life Care Centers of America, Inc., owned, operated, and/or managed skilled nursing facilities  
10 located in 27 states, including Life Care Center of Federal Way.  
11

12       2.3 Defendant Life Care Center of Federal Way is a Washington professional  
13 service corporation with its principal place of business in Federal Way, King County,  
14 Washington. Life Care Center of Federal Way is a skilled nursing facility part of Life Care  
15 Centers of America, Inc. For all times material hereto, Life Care Center of Federal Way  
16 provided medical care and treatment to Frances Cartwright, now deceased, through its agents  
17 and employees, who were acting on behalf of Life Care Center of Federal Way and within the  
18 scope of their employment or agency, whether actual or ostensible.  
19

20       2.4 Defendants "John/Jane Does" are individuals whose identities are presently  
21 unknown, but who acted independently, jointly, or in concert with other defendants in the  
22 provision of health care services to Frances Cartwright, deceased.  
23

24       2.5 Defendants "XYZ Corporations" are presently unknown entities having  
25 corporate or other business relationship to the above-named corporations, acting independently,  
26 jointly, or in concert with other defendants in the provision of health care services to Frances  
27 Cartwright, deceased.  
28

### III. JURISDICTION AND VENUE

3.1 The Superior Courts of the Washington have original subject matter jurisdiction of this matter, pursuant to the Constitution of the State of Washington, Article IV, § 6.

3.2      Venue is proper in King County Superior Court, under RCW 4.12.020(3) and RCW 4.12.025(1), (3).

#### IV. FACTS

4.1 Frances Cartwright was a 72-year-old patient/resident of Life Care Center of Federal Way dependent on staff for basic needs, including mobility.

4.2 Life Care Center of Federal Way publicly represents that it “offers inpatient and outpatient rehabilitation services, short-term and long-term care, and a variety of other skilled nursing services to meet each patient's individual care needs.”

4.3 For all times material hereto, Life Care Center of Federal Way knew or should have known that Frances Cartwright was a fall risk and required assistance of two staff members for bed mobility.

4.4 For all times material hereto, Life Care Center of Federal Way failed to provide Frances Cartwright with any assistive device(s) for transfer in and out of bed.

4.5 For all times material hereto, transfers of Frances Cartwright to and from her bed required assistance from two persons.

4.6 On or about October 27, 2020, Frances Cartwright fell from her bed.

4.7 On October 30, 2020, three days later, Frances Cartwright was taken to the emergency room, where she was diagnosed with a fractured distal femur as a result of the fall. Frances Cartwright was provided a knee immobilizer to wear for treatment of the fracture.

4.8 On October 31, 2020, Frances Cartwright was re-admitted to Life Care Center

1 of Federal Way.  
2

3 4.9 On or about November 4, 2020, Frances Cartwright was noted to have a loose  
4 stool, which had leaked into the knee immobilizer she was wearing.  
5

6 4.10 On or about November 5, 2020, Frances Cartwright's knee immobilizer was  
7 noted to be soiled.  
8

9 4.11 On or about November 18, 2020, Frances Cartwright was having episodes of  
10 diarrhea, which had saturated her clothing, bedding, and her knee immobilizer.  
11

12 4.12 On December 6, 2020, Frances Cartwright was noted to have a reoccurring  
13 abrasion to both of her buttocks.  
14

15 4.13 On December 28, 2020, Frances Cartwright was noted to be lethargic and  
16 drowsy.  
17

18 4.14 On December 29, 2020, Frances Cartwright was noted to have a watery, loose  
19 stool during early morning shift. A nursing assessment later that day noted that Frances  
20 Cartwright reported shortness of breath and that she was not feeling well.  
21

22 4.15 On December 31, 2020, Frances Cartwright was noted with increased lethargy  
23 and was using accessory muscles to breathe.  
24

25 4.16 On January 1, 2021, Frances Cartwright returned to the hospital.  
26

27 4.17 Life Care Center of Federal Way reported to the hospital that Frances Cartwright  
28 was hypoxic, vomiting, and had a fever.  
29

4.18 During Frances Cartwright's hospital admissions in October and January 2021,  
she showed signs of inadequate hydration.

4.19 On January 2, 2021, Frances Cartwright died.

1           4.20` According to the Death Certificate, the cause of death included: severe sepsis,  
 2 acute cholecystitis, pneumonia, and hypoglycemia.  
 3

4           4.21 For all times material hereto, Defendants negligently cared for Frances  
 5 Cartwright and violated numerous regulations, laws, rights, and industry standards causing her  
 6 personal injury, illness, harm, and a decline in health, including but not limited to, failing to  
 7 prevent accidents, failing to adequately care plan, failing to timely transfer her to a higher level  
 8 of care, failing to notify her physician and family about the change in her condition, failing to  
 9 adequately staff its facility to provide for her care, and failing to comply with Code of Federal  
 10 Regulations 42 Part 483 and OBRA.  
 11

12           4.22 Upon information and belief, Life Care Center of Federal Way failed to provide  
 13 adequate nursing assessments, interventions, and/or care complying with federal and state  
 14 regulations applicable to nursing facilities to Frances Cartwright during her admission, the  
 15 specifics of which to be determined through discovery.  
 16

17           **V. FIRST CAUSE OF ACTION: NEGLIGENCE**

18           5.1 Defendants are liable for all resultant damages to the Estate of Frances  
 19 Cartwright, and to Heather Entrekin.  
 20

21           5.2 Defendants owed a duty of care to Frances Cartwright.  
 22

23           5.3 Defendants' actions and omissions (together or independently) failed to follow  
 24 the accepted standard of care and therefore were negligent, and include the following:  
 25

- 26           1.       Failure to ensure proper medical attention or adequate medical  
 27 supervision;
- 28           2.       Failure to provide appropriate care and staffing including complete and  
 29 full nursing assessments and nursing interventions;
- 30           3.       Failure to assure urgent access to hospital and medical care as needed;

- 1       4. Failure to transfer to an appropriate level of care in a timely manner;
- 2       5. Failure to accurately document changes in condition and to notify  
3           physicians of changes in condition;
- 4       6. Failure to prevent injuries from occurring;
- 5       7. Failure to prevent falls;
- 6       8. Failure to respond to call lights in a timely manner;
- 7       9. Failure to allow physician's orders;
- 8       10. Failure to keep Frances Cartwright safe and secure;
- 9       11. Failure to provide complete, accurate, and reliable charting;
- 10       12. Failure to communicate with family members regarding urgent and  
11           important health matters affecting Frances Cartwright;
- 12       13. Failure to abide by all relevant state and federal regulations,  
13           administrative codes, regulations, and laws;
- 14       14. Failure to follow policies and procedures;
- 15       15. Failure to respect and protect Frances Cartwright's rights;
- 16       16. Violating Frances Cartwright's dignity;
- 17       17. Failure to follow the care plan;
- 18       18. Failure to follow the facility's contractual agreement;
- 19       19. Failure to provide sufficient or appropriate care and staffing to meet the  
20           needs of the resident;
- 20       20. Failure of facility administration to assure the resident's needs were met;
- 21       21. False advertising;
- 22       22. Negligently hiring, retaining, and supervising personnel;
- 23       23. Inadequate training of staff;
- 24       24. Covering-up adult abuse, neglect, and negligence; and

1           25. Such other acts and omissions as may be developed through the course  
 2           of discovery.

3       5.4     Frances Cartwright suffered injury and death, and Heather Entrekin suffered  
 4           damages for the wrongful death of her mother.

5       5.5     The negligence of Defendants (together or independently) was a direct and  
 6           proximate cause of the injury and death Frances Cartwright, and damages to Plaintiff Heather  
 7           Entrekin.

8       5.6     The manner of injury to the Estate of Frances Cartwright and damages to  
 9           Heather Entrekin, as well as the attending circumstances, are of such a character which would  
 10          warrant an inference that the injury, death, and damages would have not occurred if ordinary  
 11          care had been exercised by the defendants. The agency, instrumentality, or thing which  
 12          produced the injury was at all times under the control of the defendants when the injury  
 13          occurred; Frances Cartwright and Heather Entrekin lacked control to take action to avert the  
 14          injury, death, and damages, which would not ordinarily have occurred had the defendants  
 15          exercised due care.

16  
 17           **VI. SECOND CAUSE OF ACTION: VIOLATION OF RCW 74.34, *et seq.***

18       6.1     RCW 74.34.200 provides “vulnerable adults,” as defined by RCW  
 19           74.34.020(21), who, while residing at a “facility,” as defined by RCW 74.34.020(6), have been  
 20          subjected to “abandonment, abuse, financial exploitation, or neglect,” as those terms are defined  
 21          by RCW 74.34.200, a cause of action for damages—on account of their injuries, pain and  
 22          suffering, and loss of property sustained thereby—and reasonable attorney’s fees and costs.

23       6.2     For all times material hereto, the decedent, Frances Cartwright, was a  
 24          “vulnerable adult,” as defined by RCW 74.34.020(21).

1           6.3     Defendant Life Care Center of Federal Way constitutes a “facility,” as defined  
 2 by RCW 74.34.200(6).

3           6.4     Defendants’ actions and/or omissions (together or independently) constituted  
 4 not only “neglect,” as that term is defined by RCW 74.34.200(15), but also conscious or  
 5 reckless disregard for the safety and health of their patient, Frances Cartwright.

6           6.5     Frances Cartwright suffered injury and death, and Heather Entrekin suffered  
 7 damages for the wrongful death of her mother.

8           6.6     The neglect and recklessness of Defendants (together or independently) was a  
 9 direct and proximate cause of the injury and death Frances Cartwright, and damages to Heather  
 10 Entrekin.

## 11                      VII. DAMAGES

12           7.1     As a direct and proximate cause of the common law and statutory carelessness  
 13 and recklessness of Defendants, the Estate of Frances Cartwright is entitled to recover  
 14 compensatory damages (economic and noneconomic damages), punitive or exemplary  
 15 damages, and any other relief, as under all the circumstances of the case, may seem just.

16           7.2     As a direct and proximate cause of the common law and statutory carelessness  
 17 and recklessness of Defendants, Plaintiff Heather Entrekin was deprived of the love, care,  
 18 companionship, and guidance of her mother, Frances Cartwright, entitling her to recover  
 19 compensatory damages (economic and noneconomic damages), punitive or exemplary  
 20 damages, and any other relief, as under all the circumstances of the case, may seem just.

#### VIII. WAIVER OF PHYSICIAN-PATIENT PRIVILEGE

8.1 Waiver of the physician-patient privilege under RCW 5.60.060(4) does not waive or release any other rights of privilege, including those related to the physician-patient relationship, other than the privilege set out in the above-cited statute.

## **IX. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for Judgment against Defendants:

9.1 A judgment of liability against Defendants for the tortious conduct stated herein;

9.2 A full award of economic and noneconomic damages suffered by Plaintiffs;

9.3 Prejudgment interest on such economic and noneconomic damages as the law allows, at the maximum allowable rate;

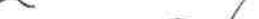
9.4 An award of reasonable attorney's fees and costs, including, but not limited to, expert costs, as the law allows;

9.5 An award of punitive or exemplary damages, as the law allows; and

9.6 Such further relief as is just and equitable.

DATED this 19<sup>th</sup> day of October, 2023.

## POLARIS INJURY LAW

By   
Christopher D. Cazares, WSBA No. 36098  
[chris@polarisinjury.law.com](mailto:chris@polarisinjury.law.com)  
*Attorney for Plaintiff*

10500 Valley View Rd  
Bothell, WA 98011  
(425) 284-6000

1 SOUND INJURY LAW PLLC  
2

3 By /s/Munish K. Barin  
4 Munish K. Barin, WSBA No. 50589  
5 mkb@soundinjury.law  
6 **Attorney for Plaintiff**

7 1218 Third Avenue, Suite 1518  
8 Seattle, WA 98101  
9 (206) 257-6535

10 RSH LEGAL, P.C.

11 By /s/ Pressley Henningsen  
12 Pressley Henningsen, State Bar of Iowa No.  
13 AT0003402  
14 phenningsen@fightingforfairness.com  
15 **Attorney for Plaintiff/**  
16 **Application for Pro Hac Vice forthcoming**

17 425 Second Street SE, Suite 1140  
18 Cedar Rapids, IA 52401  
19 (319) 364-0848